

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

Case No 1:20-CR-183-RJJ

V

HON. ROBERT J. JONKER

ADAM FOX.

Defendant.

DEFENDANT ADAM DEAN FOX'S
MOTION IN LIMINE TO ALLOW THE ADMISSION OF
CHS DAN'S TEXT MESSAGES TO SA CHAMBERS
PURSUANT TO FRE 801(d)(2)(d).

Now Comes Defendant Adam Fox, by and through Counsel, Christopher M. Gibbons of the Law Offices of Gibbons & Boer, and in support of his motion for the admission of confidential informant CHS Dan's text messages to SA Chambers states as follows.

1. A complete record of text messages exchanged between SA Jayson Chambers and CHS Dan from March 16, 2020, until October 8, 2020, were provided as part of the Governments *Jencks* disclosure in late February 2022.
2. The Courts pre-trial order on the admission of CHS statements was issued on February 2, 2022. The Court's pre-trial order limited the use of any of the statements of a CHS to statements that were "directly authorized and closely supervised by government agents." See ECF 439 Order 2/2/22 P19 CHS Dan's text messages to SA Chambers were made

entirely within the scope of his agency relationship with the FBI and meet the requirements of the Courts pre-trial order for admission into evidence at trial.

3. In addition, they are admissible under Sixth Circuit precedent *United States v. Branham*, 97 F.3d 835, 851 (6th Cir. 1996).

Wherefore, Adam Fox requests that this Court allow the introduction of CHS Dan's relevant text messages from March 16, 2020 to October 8, 2020 pursuant to FRE 801(d)(2)(D) as they were directly authorized and closely supervised by SA Jayson Chambers of the FBI and they are otherwise admissible under established Sixth Circuit law.

Respectfully submitted,

Date: July 12, 2022

By: /s/ Christopher M. Gibbons
Christopher M. Gibbons
Attorney for Defendant Adam Fox